

### **REMARKS/ARGUMENTS**

By the present amendment, Applicants have canceled claims 5, 9, and 10. Claims 1, 4, and 8 are pending. Applicants have written the limitations of claim 5 into claim 1 by deleting the other members of the Markush group in the definition of R<sup>1</sup>. In addition, Applicants have amended claim 4 to be consistent with the definition of R<sup>1</sup> now presented in claim 1. Last, Applicants have re-written claim 8 in independent form incorporating the limitations of claim 1. Support for the above changes may be found throughout the application and claims as originally filed.

Initially, Applicants note with appreciation, the withdrawal of the rejections of claims 1-8 under 35 U.S.C. § 112, 1<sup>st</sup> paragraph.

### **Double Patenting**

Claims 1-6 and 8 were provisionally rejected on the grounds of nonstatutory double patenting over claim 14 of co-pending Application No. 10/562,949. The Examiner states that the instant application and claim 14 of the '949 application continue to have conflicting claims.

In response, according to M.P.E.P. § 804(I)(B):

the "provisional" double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that "provisional" double patenting rejection is the only rejection remaining in at least one of the applications.

Through the amendments Applicants have made in the present application as discussed below, Applicants submit that the provisional double patenting rejection is the only rejection remaining in the application. In accordance with the section of the M.P.E.P. quoted above, Applicants respectfully request the Examiner to withdraw the provisional double patenting rejection and allow the pending claims.

**35 U.S.C. § 112, 2<sup>nd</sup> Paragraph Rejection**

The second paragraph of 35 U.S.C. § 112 states:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

In the outstanding office action, the Examiner has rejected claim 1, due to the definition of variables  $R^{24}$ ,  $R^{25}$ , and  $R^{20}$ , which are no longer present in the claim. In response, Applicants have amended claim 1 as suggested by the Examiner, deleting the reference to  $R^{24}$ ,  $R^{25}$ , and  $R^{20}$ . Therefore, Applicants believe that this rejection is moot and respectfully request that this rejection be withdrawn.

**35 U.S.C. § 102(b) Rejections**

35 U.S.C. § 102(b) states:

A person shall be entitled to a patent unless-  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ryu et al., "5-arylamino-2-methyl-4,7-dioxobenzothiazoles as inhibitors of cyclin-dependent kinase 4 and cytotoxic agents," Bioorganic & Medicinal Chem. Letters, Vol. 10, Iss. 5, pp. 461-464 (2000) and Ryu et al., "Modulation of NAD(P)H:quinone oxidoreductase (NQO1) activity mediated by 5-arylamino-2-methyl-4,7-dioxobenzothiazoles and their cytotoxic potential," Archives of Pharmacal Research, Vol. 23, Iss. 6, pp. 554-558 (2000).

In response, claims 1 and 4 have been amended to incorporate the allowable subject matter of claim 5 as indicated by the Examiner. Specifically,  $R^1$  has been limited to  $-(CH_2)-Z-NR^5R^6$  in both claims 1 and 4. Therefore, it is respectfully submitted that the above rejections are moot. Applicants respectfully submit that claims 1, 4, and 8 are now allowable and request that the Examiner allow the claims as amended.

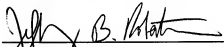
**REQUEST FOR ALLOWANCE**

For all the reasons set forth above, an indication of allowance of all claims is solicited. In the event any outstanding issues remain in the Application, the Examiner is more than welcome to telephone the undersigned counsel to resolve any such issues in the interest of expediency and to further place the application in condition for allowance.

The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16 and § 1.17 associated with this communication or credit any overpayment to the deposit account of Hunton & Williams, Deposit Account Number 50-0206.

Respectfully submitted,

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